

## INSTRUCTIONS FOR FILING A GARNISHMENT IN MAGISTRATE COURT

### PLEASE READ ALL INSTRUCTIONS CAREFULLY BEFORE FILING OUT ANY FORMS

NOTE: You are acting as your own legal counsel, and the Clerks cannot give you any legal advice concerning garnishments. If you have legal questions concerning garnishments you must consult an attorney.

1. You must have a judgment against the person you are filing the garnishment on.
2. The **DEFENDANT'S** employer (the **GARNISHEE**) must be located in Columbia County. You must provide the Clerks office with the complete street address of the **GARNISHEE** and a sufficient address for service on the **DEFENDANT**.
3. The cost for filing a garnishment is ~~\$45.00~~ <sup>60.00</sup>
4. There are two (2) types of garnishment:

**CONTINUING GARNISHMENT:** The employer will continue to deduct from the **DEFENDANTS** wages (if the **DEFENDANT** is subject to garnishment), for approximately 179 days.

**ONE TIME GARNISHMENT:** This type of garnishment is generally used when a garnishment is filed on a bank account. The bank will deduct one time and one time only from the **DEFENDANTS** bank account, if he or she has funds available. When filing this type of garnishment you must know the **DEFENDANTS** bank and provide an account number or social security number.

5. On a continuing garnishment, once the **GARNISHEE** (employer) has answered The garnishment a total of (6) times as required and the garnishment is not paid in full, you must file a new garnishment and pay any additional cost for filing. All cost paid by the **PLAINTIFF**, including the fee paid for the original complaint will be taxed to the **DEFENDANT**.
6. This office will not contact you if no payments are received. If payments are received, a check in the amount of the payment will be mailed to you. Any legal disputes regarding the garnishment filed by you must be handled by you or your attorney.
7. **ALL FORMS MUST BE FILLED OUT COMPLETELY, FRONT AND BACK THEY WILL BE ACCEPTED AND FILED.**